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Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Sao Tomé and Principe*

The present report is a summary of one stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Human Rights Council resolution 16/21, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

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I. Information provided by other stakeholders

Implementation of international human rights obligations, taking into account applicable international humanitarian law

Right to life, liberty and security of the person

1. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children was lawful in Sao Tomé and Principe despite recommendations to prohibit it by the Committee on the Rights of the Child and during the 1st cycle UPR of Sao Tome and Principe (which the Government accepted). GIEACPC hoped that the UPR Working Group will note with concern the legality of corporal punishment of children in Sao Tome and Principe.[2]

2. GIEACPC hoped that States will raise this issue during the review in 2015 and make a specific recommendation that Sao Tome and Principe prohibit all corporal punishment of children in all settings including the home and repeal the right to punish children "appropriately and moderately" in the Family Law

3. Sao Tome and Principe was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 10). The issue of corporal punishment of children was raised by the Netherlands, Hungary and Germany, in the compilation of UN information[3] and in the summary of stakeholders' submission.[4] The following recommendations were made and were accepted by the Government:[5]

"Prohibit corporal punishment by law, protect victims and punish perpetrators (Germany);

"Enact legislation that legally prohibits corporal punishment of children in all settings, including at home and in care institutions (Hungary)."

4. GIEACPC stressed that prohibiting and eliminating all corporal punishment of children in all settings including the home – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments. Since the initial UPR of Sao Tome and Principe, a new Penal Code 2012 has been adopted but it does not prohibit all corporal punishment of children. Corporal punishment remains lawful as it was at the time of the initial review in 2011. The Family Law is currently being revised, providing a key opportunity for prohibiting corporal punishment in childrearing.

5. GIEACPC added that the Committee on the Rights of the Child has twice recommended to Sao Tome and Principe that corporal punishment be prohibited in the home and all other settings – in its concluding observations on the initial report in 2004[6] and on the second-fourth report in 2013.[7]

Notes

[1] The Global Initiative to End All Corporal Punishment of Children (GIEACPC) is the only stakeholder that has contributed information for this summary; the full text of the original submission is available at: www.ohchr.org:
Civil society
Individual submissions:
GIEACPC Global Initiative to End All Corporal Punishment of Children, London (United Kingdom of Great Britain and Northern Ireland).

[2] GIEAPC submission for the UPR 23rd session - reference to 16 March 2011, A/HRC/17/13, Report of the working group, paras. 64(49- Germany) and 64(50- Hungary)

[3] GIEAPC submission for the UPR 23rd session- reference to 14 October 2010, A/HRC/WG.6/10/STP/2, Compilation of UN information, para. 8

[4] GIEAPC submission for the UPR 23rd session – reference to 17 September 2010, A/HRC/WG.6/10/STP/3, Summary of stakeholders' information, para. 1

[5] GIEAPC submission for the UPR 23rd session – reference to 16 March 2011, A/HRC/17/13, Report of the working group, paras. 64(49 - Germany) and 64(50- Hungary)

[6] GIEAPC submission for the UPR 23rd session – reference to 1 July 2004, CRC/C/15/Add.235, Concluding observations on initial report, paras. 33 and 34

[7] GIEAPC submission for the UPR 23rd session – reference to 29 October 2013, CRC/C/STP/CO/2-4, Concluding observations on second-fourth report, paras. 6 and 7.